

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ROBERT FLETCHER, Plaintiff, vs. BROWN COUNTY, et al., Defendants.))))))))))	7:05CV5024 ORDER
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This matter is before the court upon the motion of Frederick J. Coffman to substitute as counsel (Filing No. 121) for the defendants State of Nebraska, Department of Health and Human Services, Monika Anderson, Prairey Walking and Doug Stanton. Mr. Coffman states that former counsel, Jennifer M. Thomka, for these defendants has been reassigned and is no longer responsible for the case. Jennifer M. Thomka was granted leave to withdraw in this matter June 16, 2006. **See** Filing No. 82.

Also before the court is the motion of Phillip G. Wright and the law firm of Wright & Associates to withdraw as counsel for the plaintiff (Filing No. 119). Mr. Wright states communications between himself and the plaintiff have broken down preventing adequate representation in the case. There is no evidence Mr. Wright served the motion on the plaintiff, nor does he state the plaintiff's position on withdrawal. Therefore, the plaintiff shall have an opportunity to respond to the motion. Upon consideration,

IT IS ORDERED:

1. Frederick J. Coffman's motion to substitute as counsel for the defendants State of Nebraska, Department of Health and Human Services, Monika Anderson, Prairey Walking and Doug Stanton (Filing No. 121) is granted.

2. Phillip G. Wright's motion to withdraw as counsel for the plaintiff (Filing No. 119) is held in abeyance.

3. The plaintiff, Robert Fletcher, shall have to **on or before February 6, 2007**, to respond to the motion to withdraw by filing a brief with the Clerk of Court. If no response is received or if substitute counsel has entered an appearance by that date, the motion to

withdraw will be granted. If the motion to withdraw is granted and substitute counsel has not entered an appearance, the plaintiff will be considered proceeding *pro se* and counsel for the defendants may communicate with the plaintiff directly.

4. The Clerk of Court shall mail a copy of this order to Robert Fletcher at:

Robert Fletcher
534 North Oak
Ainsworth, NE 69210

5. Doug Stanton's Motion to Quash (Filing No. 122) is granted. The January 9, 2007 subpoena issued for the appearance of Doug Stanton at a deposition on January 18 or 19, 2007 is quashed. The deposition should be rescheduled, if appropriate, after resolution of the status of the plaintiff's counsel.

DATED this 16th day of January, 2007.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge